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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT LEE LOPEZ,

No. 2:04-cv-1316-MCE-KJM-P

12 Petitioner,

13 v.

ORDER

14 SCOTT KERNAN, Warden, et al.,

15 Respondents.
16 _____/

17 Petitioner is a state prisoner proceeding through counsel
18 with an Application for Writ of Habeas Corpus pursuant to 28
19 U.S.C. § 2254. On August 23, 2006, Judgment in the instant
20 action was reversed by the United States Court of Appeals for the
21 Ninth Circuit and the matter was remanded for an evidentiary
22 hearing or such other further factual development as may be
23 necessary to determine whether Petitioner is entitled to
24 equitable tolling of the statute of limitations.

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1 Good cause appearing, the Clerk of the Court will be directed to
2 reopen this action and the case will be referred to the
3 magistrate judge for further orders consistent with the remand
4 order. Accordingly, IT IS HEREBY ORDERED that:

5 1. The Clerk of the Court is directed to reopen this
6 action; and

7 2. This action is referred to the magistrate judge.

8 DATED: October 24, 2006

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE